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TO: **EXAMINER: Angela M. LIE**

ART UNIT 2163

SERIAL NO. 10/521,290

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	Atty. Docket: NL 020637
SUZANNE VAN EGMOND	Confirmation No. 8577
Serial No. 10/521,290	Group Art Unit: 2163
Filed: JANUARY 14, 2005	Examiner: ANGELA M. LIE

Title: METHOD AND DEVICE FOR IDENTIFYING THE TYPE OF DISCHARGE LAMP

Mail Stop Appeal Brief-Patents
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANT'S REPLY BRIEF

Sir:

In response to the Examiner's Answer mailed on June 20, 2007, please consider the following remarks:

REMARKS

Appellants maintain the arguments submitted in the Appeal Brief mailed on January 30, 2007, which are incorporated herein by reference. Further, Appellant refutes the allegations made in the Examiner's Answer of June 20, 2007.

In particular, Appellant respectfully refutes the allegations in the Examiner's Answer, page 3, line 17 through page 4, 6, that:

> Giannopoulos discloses an apparatus performing a method comprising ... detecting the peak value of the lamp voltage at a rising edge of the envelope ... and comparing the detected peak value with previously recorded peak values ... and assigning the detected peak value to a lamp on the basis of the comparison ...

Each of these allegations is refuted below.

"It is axiomatic that for prior art to anticipate under §102 it has to meet every element of the claimed invention ..." (See, Hybritech Inc. v. Monoclonal Antibodies, Inc. 802 F.2d 1367, 231 U.S.P.Q. 81, 90 (Fed. Cir. 1986).) "[A]n anticipation rejection requires a showing that each limitation of the claim must be found in a single reference, practice, or device." (See, In re Donahue, 766 F.2d 531, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985.) Accordingly,

anticipation may only be established when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of the claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir.); cert. dismissed, 468 U.S. 1228 (1984).

It is respectfully submitted that U.S. Patent No. 6,160,361 to Giannopoulos (Giannopoulos) does not anticipate claims 1-5 of the present patent application.

1. GIANNOPOULOS MEASURES A SLOPE WHICH REQUIRES AT LEAST TWO SETS OF MEASUREMENTS

Giannopoulos makes clear that "lamp type recognition is achieved based on a comparison of the lamp load voltage and lamp load current data points stored in a random-access memory of a microprocessor to a plurality of V-I characteristic curves ..." (See, Giannopoulos, abstract, lines 3-6.) In operation, Giannopoulos requires setting a lamp current ILAMP=ILAMPi (see, FIG. 2, step 107 and the accompanying description contained in col.

3, lines 22-27) and then measuring the lamp voltage VLAMPi (see, FIG. 2, step 110 and the accompanying description contained in col. 3, lines 27-31). As made clear, the (emphasis added) "value of i is checked under step 113 to determine that i=n, where n is equal to at least 2." (See, col. 3, lines 31-32.) The lamp curve formed by the two or more VLAMPi and ILAMPi values are then compared to stored characteristic curves to determine the lamp type (see, col. 3, lines 36-41).

Giannopoulos clearly understands that to compare a curve of the current lamp to stored characteristics curves, at least two sets of measurements (VLAMPi and ILAMPi) are required to form the current lamp curve. As should be clear, there is no way to determine the current lamp curve without at least the two sets of measurements to define the curve as taught by Giannopoulos.

The Examiner's Answer has taken the position that "the claim does not strictly disclose that the type of lamp is determined only based on the single peak value, therefore peak value could be just one among many other points in the I-V curve." (See, Examiner's Answer, page 11, lines 17-20.) While the present claims are open-ended and allow for further acts, clearly those further acts are

not required for the present system or the claims as presented.

The present claims require, in pertinent part, "detecting the peak value of the lamp voltage ... and comparing the detected peak value with previously recorded peak values for different lamp types" as required by claim 1 and as substantially required by claim 2. It is not material to patentability that further acts may be performed by a system practicing the present claimed system. As stated above, anticipation requires that the prior art, namely Giannopoulos, has to meet every element of the claimed invention. Giannopoulos requires at least two sets of measurements to compare the curve of the current lamp to stored characteristic curves of known lamps. Accordingly, Giannopoulos does not render the claims unpatentable for at least this reason.

2. GIANNOPOULOS MEASURES VLAMPi AT A STEADY STATE

The Examiner's Answer has taken the position that "Figure 4A and 4B clearly show that the voltages V1, V2 and V3 are measured as IlAMP is increased ..." This position is respectfully refuted in that the disclosure of Giannopoulos disputes this position on its face. Giannopoulos makes clear that (emphasis added) "[d]uring

steady state operation of lamp load 25, the microprocessor output signal reflects the V-I characteristic curve of the lamp load 25." (See, FIG. 1 and col. 3, lines 15-17.) (emphasis added) "Once lamp load 25 is in its steady state mode of operation ... the value of VLAMPi is now measured by the microprocessor 43 ..." (See, col. 3, lines 20-28.) As should be clear, Giannopoulos teaches measuring VLAMPi when the lamp is in a steady-state, which as may be readily appreciated, would not be at a time when the lamp current is increasing.

The present claims recite in pertinent part, "detecting the peak value of the lamp voltage at a rising edge of the envelope of the modulated control current ..."

Accordingly, it is respectfully submitted that independent Claims 1 and 2 are allowable over Giannopoulos for at least the above reasons and an indication to that effect is respectfully requested. In addition, it is respectfully submitted that Claims 3-5 should also be allowed at least based on their dependence on independent Claim 2.

In addition, Appellant denies any statement, position or averment of the Examiner that is not specifically addressed by the

foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Appellant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

CONCLUSION

Claims 1-5 are patentable over Giannopoulos.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By _____
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August 17, 2007

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